



Town of Groton, Connecticut

Meeting Minutes

Town Council Committee of the Whole

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Mayor Harry A. Watson, Councilors Peter J. Bartinik, Jr., Natalie Burfoot Billing, Heather Sherman Bond, Catherine Kolnaski, Frank O'Beirne, Jr., Paulann H. Sheets, Thomas J. Skrmetti, and Elissa T. Wright.

Tuesday, September 27, 2005

6:00 PM

Town Hall Annex - Community Room 1

SPECIAL MEETING

1. CALL TO ORDER

Mayor Watson called the meeting to order at 6:02 p.m.

Also present were Town Manager Mark Oefinger, Assistant to the Town Manager Lee Vincent and Executive Assistant Nicki Bresnyan.

2. ROLL CALL

Members Present: Mayor Watson, Councilor Bond, Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Sheets, Councilor Skrmetti and Councilor Wright

Members Absent: Councilor Bartinik, Jr. and Councilor Billing

3. Calendar and Communications

Councilor Bond questioned the impact the recent hurricanes will have on building costs and supplies, relative to the school project. Town Manager Oefinger noted that no contracts have been entered into for building purposes at this point. The Permanent School Building Committee has had discussions about rising costs, but not specifically related to the hurricanes.

Councilor Sheets received two calls regarding Groton's evacuation plans and asked for a presentation. Councilor Kolnaski noted that evacuation routes are posted in the telephone directory. Councilor Skrmetti stated that evacuation plans affect not only Groton, but the region. He asked that any presentation be broader. Councilor Skrmetti also questioned if any traffic volume analysis has been conducted.

Mayor Watson noted there will be a community celebration of the Navy, Submarine Force, and Submarine Base this Sunday, October 2nd from 1:00 p.m. to 4:00 p.m. at the Sub Force Museum/USS Nautilus.

4. Approval of Minutes

2005-0247 Approval of Minutes (Committee of the Whole)

RESOLUTION ACCEPTING COMMITTEE OF THE WHOLE MINUTES

RESOLVED, that the minutes of the Town Council Committee of the Whole of August 23, 2005 and September 13, 2005 are hereby accepted and approved.

Tabled

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS

2004-0288 2005 Revaluation - Update

Discussed

Director of Finance Sal Pandolfo provided background on the revaluation effort. One of the issues with revaluation is taxes, but taxes can not be determined yet because taxes are based on

assessments, revenues, and expenditures. Mr. Pandolfo made reference to a revaluation timetable in a packet of information provided to the Council. The proposed assessments and real estate portion of the grand list will be available through the internet and will be published in the newspaper.

Genie Flynn, Appraisal Operations Manager for Cole-Layer-Trumble (CLT), reviewed a PowerPoint presentation which will also be made to the RTM. Ms. Flynn noted the primary reason for a revaluation is to establish equity because not all properties appreciate at the same rate. The revaluation process includes collecting data on sales and the neighborhood, building and testing models, valuing properties, and then reviewing the values in the field. The public is informed and taxpayer reviews are conducted. The setting of land values is one of the most important phases of revaluation and includes analysis of vacant land sales. CLT then conducts a building cost analysis by analyzing new construction sales and sales of older dwellings. Ms. Flynn noted the three approaches to value and how they are used, and how commercial and industrial models are developed. When values are established using the models, the results are tested, retested, and validated. The final field review is conducted by a state certified appraiser. Each taxpayer receives a notice of change in assessment at which time they can meet by appointment with CLT. Ms. Flynn reviewed the standards for quality included in the revaluation process, including International Association of Assessment Officers standards and Connecticut performance-based testing standards. A valuable tool for CLT has been Groton's GIS capabilities which allow illustration and reporting on data. Ms. Flynn highlighted a number of sales from the time period being used for the revaluation, noting the sales price and current appraised value. She then cited statistics related to the market conditions in Groton showing significant appreciation. When people receive their notices of assessed value in the mail, they need to consider if they could sell their property for the 100% appraised value. It was noted that Electric Boat and Pfizer valuations have been contracted to Buckley Appraisal Services.

Councilor Sheets cited an example of someone who has lived in her house for a number of years and the properties in her neighborhood have been improved, but hers has not. Ms. Flynn explained the factors that go into valuing a house including size, condition, and location.

Councilor O'Beirne suggested there should be a people-to-people effort in advance to remind people that the new assessments do not necessarily mean that taxes will go up by the same percentage.

The Committee of the Whole recessed at 6:47 p.m. and reconvened at 6:57 p.m.

2005-0261

Mystic River Pumpout Boat Program

Recommended for a Resolution

Director of Public Works Gary Schneider described the proposal to discontinue the marine sewage pumpout service. The grant application is due around October 15th so Council guidance is necessary at this time. Mr. Schneider provided a history of the program and explained how it operates. There are now at least seven pumpout structures on the Mystic River in addition to a private company that provides the service. It is difficult to find employees and the Town is losing the use of the disposal facility at Noank Shipyard, which would require finding another location or constructing a new facility.

Mr. Schneider recommends ending the service based on the information noted above. He reviewed options if the Council decides to continue the program. Options include using additional full-time Public Works Department staff; soliciting contractual employees which impacts Public Works staff; or outsourcing the operation and management of the program.

A motion was made by Councilor Skrmetti, seconded by Councilor Kolnaski, to recommend a resolution ending the Town's involvement in providing pumpout service on the Mystic River.

Councilor Sheets asked how much grant money is provided by DEP. In 2004, the Town applied for \$24,199 and received \$18,149, which was spent on employees, supplies, and gas. Lori Hammett, Project Management Specialist, described the process to use the existing pumpout structures. Councilor Sheets expressed concern that the pumpouts will not get done if the Town ends the service. Mr. Schneider used the analogy that the Town does not pump out septic tanks or RV tanks; the owner is expected to take care of their own waste. Mr. Schneider explained that this is a flagship program for DEP and they will be disappointed if the program ends. Councilor Sheets asked if angering DEP over this issue would impact DEP's review and permitting of the Allyn Bohlander site on Route 1. The Town Manager indicated he would consider it unconscionable if the State did that and he has never experienced such a scenario.

Councilor Wright yielded the floor to Paul Bates, Chairman of the Harbor Management Commission. Mr. Bates noted his involvement with the institution of this program, the failure of private contractors in the past, and his concern with maintaining the quality of recreational activities. Mr. Bates noted access problems at some of the existing structures. He recommended that all program costs be rolled into the grant application and that salaries be raised to entice employees. He asked that the Council authorize the grant application for the coming year to provide time to explore alternatives.

Councilor Skrmetti noted that this is not a spur of the moment decision, and this issue has been discussed for many years.

Councilor Wright asked Mr. Bates if he feels the Town provides institutional stability to the program, and Mr. Bates stated yes. She asked about the cost of compliance, oversight, and enforcement. Mr. Bates feels that if people have to pay \$25.00 for a pumpout, compliance will go down and water quality will be affected. Councilor Wright suggested that enforcement costs may exceed the costs of the program, and Mr. Bates agreed.

Mr. Schneider noted there is a limited pool of funds available. The grant application includes estimated costs, and the award is based on the budget, but also the available money.

A motion was made by Councilor Sheets, seconded by Councilor Wright, to amend the motion to direct staff to apply for the annual grant from the Department of Environmental Protection in the amount needed to cover the actual costs of performing the function, including sufficient funds to attract the seasonal employees needed, e.g. \$15-\$17 per hour.

Councilor Wright encouraged a partnership with Stonington and a cooperative approach. Mr. Schneider noted that staff can only ask Stonington to participate, but certainly the Harbor Management Commission or the Town Council could approach Stonington for additional compensation or help. Another issue is the program is taking up too much staff time. Costs and reimbursement are lower at this point because staff is currently not available to work the programmed days. Not everyone who wants the service is being serviced now. It was noted that Ms. Hammett has used all of the available pumpout structures and some are easier to use than others.

Councilor Skrmetti stated that Stonington has been approached on this issue numerous times and their participation is declining. The Town Manager indicated there have been no recent discussions with Stonington, but the Council could meet with them on issues of mutual concern, including this issue.

Councilor Bond noted her desire to protect the Mystic River. She suggested that the pay rate be increased. Councilor O'Beirne objected to Mr. Bates' statement that implied that if the Town stops the program, everyone will dump their waste into the River. Now that it is a law that pumpout facilities be used, the Town could be looked at as providing unfair competition for private services since the Town provides free service.

Councilor Skrmetti recognized Mr. Bates who clarified his remarks which were directed to the amount of money being spent to correct problems in the Poquonnock River.

The motion to amend failed by the following vote:

In Favor: 3 - Councilor Bond, Councilor Sheets, Councilor Wright

Opposed: 4 - Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Skrmetti, Mayor Watson

Town Manager Oefinger asked if the grant could be left flexible to allow a higher rate of pay or outsourcing of the operation. Mr. Schneider stated the Town would hold the grant, so that would be possible. Councilor Kolnaski indicated she would like additional information on acceptable structures. Ms. Hammett reiterated that although the structure at Spicer's is difficult to access, others are easily accessible.

Councilor Wright recognized Mr. Bates who indicated he would be willing to talk to the Stonington Harbor Management Commission regarding funding.

Mr. Schneider reiterated the difficulty in providing reliable employees. If a reputable contractor could be found, that would be great; however he hesitates to offer a service in July and August only to have it dwindle through the Fall boating season.

The motion carried by the following vote:

Votes: In Favor: 4 - Mayor Watson, Councilor Kolnaski, Councilor O'Beirne, Jr. and Councilor Skrmetti
Opposed: 3 - Councilor Bond, Councilor Sheets and Councilor Wright

2005-0249 Central Hall Building Project - Status Update

Discussed

The Council received an update provided by Director of Planning and Development Michael Murphy. The current owner is looking to do significantly more with the property (four stories, 18 units) than previously proposed. Town Manager Oefinger reviewed the history of the property since the fire in March 2002. An offer has been extended to the owner to meet with the Council for over a year. The developer is looking to secure the pump station property for parking, but he would have to approach the Council. The Town will be initiating the Mystic Streetscape Project next spring, and is also in discussions with Stonington regarding sewer issues that may affect the pump station as well as shuttle boat discussions with the Seaport. The Town Manager will extend another invitation to the property owner to meet with the Council.

2003-0016 BRAC-2005/Update

Discussed

Town Manager Oefinger reviewed the details of the October 2nd community celebration at the Sub Force Museum/USS Nautilus. There will be another event on October 20th at 5:45 p.m. at the Mystic Marriott.

2005-0241 Homeland Security Large City Stipend

Not Discussed

The Town Manager asked that discussion on this item be deferred as he is waiting for additional information.

2005-0252 Designation of a Railroad Quiet Zone - School Street

Recommended for a Resolution

Assistant to the Town Manager Lee Vincent indicated the official comment period has expired. The Town received comments from Amtrak citing regulations that pre-date the federal regulations. The State will follow the federal regulations and recommended signage, sight line improvements and use of whistles during poor visibility.

A motion was made by Councilor Sheets, seconded by Councilor Kolnaski, to recommend a resolution establishing the quiet zone including necessary requirements to effectuate the zone.

Councilor O'Beirne noted the discrepancy in the hours cited in Amtrak's attachment and what the Town Council is approving. Mayor Watson asked Mr. Vincent to speak to the Amtrak representative. Mr. Vincent explained that the Amtrak document is dated 2002, and pre-dates the 2005 regulations.

The motion carried by the following vote:

Votes: In Favor: 6 - Mayor Watson, Councilor Bond, Councilor Kolnaski, Councilor Sheets, Councilor Skrmetti and Councilor Wright
Opposed: 1 - Councilor O'Beirne, Jr.

2005-0251 Release of State Land - Route 117/Candlewood Road

Recommended for a Resolution

Town Manager Oefinger explained the history of the site. A portion of the property has been granted to Groton Utilities for a water pump station. This small parcel would accommodate the road radius that is already located on the property.

A motion was made by Councilor Bond, seconded by Councilor Skrmetti, to recommend a resolution accepting the land and referring the acceptance to the RTM.

The motion carried unanimously.

2005-0166 Great Brook Subdivision Environmental Covenants

Recommended for Deletion

Town Attorney Mike Carey reviewed the three documents that were provided to him and he has no recommendations or opinions, but only comments. Mr. Carey explained that his only experience with violation of private restrictions is that the entities with authority to take up the issue were reluctant when they thought the town would deal with it. If Groton Utilities has accepted responsibility for enforcement, that creates at least two entities and he doesn't see in the paperwork any coordination of enforcement entities. Mr. Carey questions how the Town could enforce the easements from a practical standpoint, i.e. which department or entity would be involved. The normal enforcement mechanisms would not be available. Enforcement of private contract agreements would require injunctive relief. Mr. Carey suggested that some sections are vague and could lead to disputes about what is "reasonable." The documents require that requests to the Town regarding compliance of properties be acted on within 30 days which is a short deadline that would have to be agreed to by the Town. The Planning Commission reviewed this agreement and did not recommend to the Council that the Town take on the authority. The Council should give some thought to its role in this matter at this time considering that the Inland Wetlands Agency and Planning Commission have done a thorough review of this project. Another concern expressed by Mr. Carey is that each document gives the Town the right but not the obligation to enforce the covenants as well as the rules and regulations of the homeowners' association, but the Town has no role in the creation or amendment of those regulations or covenants.

Councilor Sheets noted that the three documents are easements, not private agreements, with three proposed grantees including the Town. She attempted to clarify that the restrictions in the easements are independent of the homeowners' association regulations. The WRPD regulations do not address clearing limits for one and two family residential units.

Councilor O'Beirne noted that if the City has accepted responsibility to enforce the easements, he sees no need for the Town to do so. He asked why GOSA is not a grantee of the easements so they would be responsible. Councilor Sheets explained that Downes-Patterson is not willing to grant an easement to GOSA.

Councilor Skrmetti noted that the Town as a grantee is being asked to enforce the homeowners' association rules, and Councilor Sheets stated that enforcement of those rules would fall to the homeowners' association which is also a grantee. Councilor Skrmetti expressed support for Mr. Murphy's proposal. He quoted remarks from GOSA's website that were attributed to Attorney Bates stating that if the covenants were ignored, there would still be no harm to the water supply. There is no imminent danger and regulatory changes are the way to go. Councilor Skrmetti noted again that Councilor Sheets is not an impartial observer and should disclose her relationship with GOSA.

Councilor Sheets stated she is a member of GOSA and she receives no compensation from GOSA.

A motion was made by Councilor Skrmetti, seconded by Mayor Watson, to recommend for resolution alternative 3, that the Town not become a party to enforce said private environmental covenants and qualify that protection of the public water supply watershed should be accomplished through a comprehensive regulatory approach, including watershed study, development of stormwater quality and watershed protection ordinances, and public education.

Councilor Wright suggested that Mr. Murphy has approached the issue as if these were private agreements which they are not. The Town should protect the public drinking water supply and act in the public interest.

A motion was made by Councilor Sheets, seconded by Councilor Wright, to amend the motion to accept the conveyance of the easements.

Councilor Kolnaski noted that Groton Utilities is capable of protecting the water supply.

The motion to amend failed by the following vote:

In Favor: 2 - Councilor Sheets, Councilor Wright

Opposed: 5 - Councilor Bond, Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Skrmetti, Mayor Watson

A motion was made by Councilor Wright, seconded by Councilor Sheets, to amend the motion to accept the conveyance of easements set forth in the package and to proceed to strengthen protection of the public water supply watershed through a comprehensive regulatory approach, including watershed study, development of stormwater quality and watershed protection ordinances, and public education.

Councilor O'Beirne noted the amended motion is out of order. Mayor Watson ruled it was different enough from the motion that was defeated.

The Committee recessed at 9:17 p.m. and reconvened at 9:32 p.m.

Attorney Carey clarified the circumstances of the appeals associated with this subdivision.

The motion to amend failed by the following vote:

In Favor: 2 - Councilor Sheets, Councilor Wright

Opposed: 5 - Councilor Bond, Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Skrmetti, Mayor Watson.

The motion carried by the following vote:

Votes: In Favor: 5 - Mayor Watson, Councilor Bond, Councilor Kolnaski, Councilor O'Beirne, Jr. and Councilor Skrmetti

Opposed: 2 - Councilor Sheets and Councilor Wright

Discussed

Councilor Skrmetti asked that immediate priority be placed on development of these regulations. Councilor Bond complimented GOSA and the developer for reaching an agreement and suggested that a regional approach be taken to watershed protection. Mayor Watson made a referral to the Committee of the Whole.

2004-0328

Bus Ordinance - Update

Discussed

The Traffic Authority report on this issue is due in October.

2004-0308

Alcohol Possession By Minors

Discussed

The Town Manager noted that the bill that was in the State legislature was never acted on. He

asked if the Council wants to proceed with the ordinance and take it to public hearing, and noted that the Council received an update from Ledge Light listing the towns that have passed similar ordinances.

Councilor Bond asked about the fine. Attorney Carey noted that the Town cannot impose a fine greater than \$100.00. Lieutenant Jervis explained that a \$90 fine is an infraction and would not allow an arrest; a \$100.00 fine for violation of an ordinance makes it a summons event and would allow for custodial release.

Councilor Kolnaski noted this is strongly supported by Ledge Light, area police chiefs, and the Superintendent of Schools.

Councilor Sheets is inclined to support this since the legislature didn't act. She asked if the Town Attorney has reviewed the ordinance as amended, but Mr. Carey stated he was not prepared to address this issue this evening.

Councilor Wright asked if the host must have knowledge of the gathering or knowledge of the consumption of alcohol. Mr. Carey stated the former, but that the Council could refine the language to require the latter. The Town Attorney stated he would look at it. Councilor Sheets suggested "knew or should have known" language.

Mayor Watson asked to see a copy of the City's ordinance.

2004-0048**Groton Code of Ethics****Not Discussed****2005-0199****Town Manager Annual Evaluation****Discussed**

Mayor Watson noted that packages were sent to Councilors in mid-September. He has summarized numbers and input from seven Councilors. The remaining two Councilors submitted their information today and are not included in the summary.

A special meeting of the Committee of the Whole was scheduled for October 4, 2005 at 6:00 p.m. prior to the regular meeting of the Town Council.

2005-0263**Town Clerk Compensation****Discussed**

Mayor Watson distributed information from Town Clerk Barbara Tarbox.

7. Consideration of Committee Referral Items as per Town Council Referral List

None.

8. OTHER BUSINESS

None.

9. ADJOURNMENT

A motion was made by Councilor Kolnaski, seconded by Councilor O'Beirne, to adjourn at 9:43 p.m.

The motion carried unanimously.